

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: May 9, 2023
PUBLIC HEARING DATE: June 6, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Nina Rodriguez, (915) 212-1561

DISTRICT(S) AFFECTED: District 1

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning for the property described as a portion of Block 3, Weiner Sunset Tracts Unit 2, Lot 2 & the entirety of J M Jett Survey 155 Abstract 48 Tracts 14-B and 8, A F Miller Survey 210 Abstract 3594 Tracts 11 and 12-B, 201 E. Sunset Road, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 201 E. Sunset Road
Applicant: GRV Integrated Engineering Solutions

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-4 (Residential) to C-4 (Commercial) to allow church, youth organization, restaurant (sit down), child care facility, and lodging house uses. City Plan Commission recommended 6-0 to approve the proposed rezoning on March 23, 2023. As of May 1, 2023, the Planning Division has received one (1) phone call in support to the rezoning request. One resident was present at the City Plan Commission hearing and spoke in support of the rezoning and in opposition to the imposed condition. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF BLOCK 3, WEINER SUNSET TRACTS UNIT 2, LOT 2 & THE ENTIRETY OF J M JETT SURVEY 155 ABSTRACT 48 TRACTS 14-B AND 8, A F MILLER SURVEY 210 ABSTRACT 3594 TRACTS 11 AND 12-B, 201 E. SUNSET ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM FROM R-4 (RESIDENTIAL) TO C-4 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of a portion of Block 3, Weiner Sunset Tracts Unit 2, Lot 2 & the entirety of J M Jett Survey 155 Abstract 48 Tracts 14-B and 8, A F Miller Survey 210 Abstract 3594 Tracts 11 and 12-B, 201 E. Sunset Road, located in the City of El Paso, El Paso County, Texas, and more particularly described in **Exhibit “A”** attached hereto, be changed from **R-4 (Residential)** to **C-4 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. Prior to issuance of any certificates of occupancy, a sidewalk along Sunset Road abutting the subject property must be provided in accordance with the El Paso Municipal Code.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

(Signatures on the following page)

ADOPTED this _____ day of _____ 2023.


THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

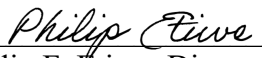
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibit "A" on the following page)

EXHIBIT A

County: El Paso
Project: Westside Community Church Rezoning
Parcel No: 1 of 1
Highway: East Sunset Road
Limits: Existing Residential Zoning Site (R-4) at 201 E Sunset Rd for Commercial (C-4) Rezoning

October 4, 2022

PARCEL DESCRIPTION

A PARCEL OF LAND CONTAINING 5.14 ACRES, MORE OR LESS, CONTAINING A PORTION OF BLOCK 3, WEINER SUNSET TRACTS UNIT 2, LOT 2 & THE ENTIRETY OF J M JETT SURVEY 155 ABSTRACT 48 TRACTS 14-B AND 8, A F MILLER SURVEY 210 ABSTRACT 3594 TRACTS 11 AND 12-B LOCATED IN CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A CITY MONUMENT AT THE INTERSECTION OF RIPLEY DRIVE, A 60 FEET RIGHT-OF-WAY, AND TERAMAR WAY, A 60 FEET RIGHT-OF-WAY, **THENCE** TRAVELING NORTH 33° 59' 00" WEST ALONG SAID INTERSECTION CENTERLINE FOR A DISTANCE OF 979.83 FEET TO THE CENTERLINE INTERSECTION OF RIPLEY DRIVE AND EAST SUNSET ROAD, A 50 FEET RIGHT-OF-WAY, **THENCE**, LEAVING SAID STREETS INTERSECTION CENTERLINE TRAVELING NORTH 33° 59' 00" WEST FOR A DISTANCE OF 25 FEET, **THENCE** TRAVELING NORTH 59° 18' 37" EAST FOR A DISTANCE OF 24.68 FEET ALONG LEFT OF EAST SUNSET ROAD, TO A SET ½" REBAR BEING THE SOUTHWEST CORNER OF THE RESIDENTIAL ZONING AREA AND THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION,

THENCE, traveling North 31° 05' 50" West, for a distance of 79.36 feet to a set point;

THENCE, traveling along a curve to the right with an arc length of 459.11 feet, having a radius of 443.80 feet through a central angle of 59° 16' 18", and a chord which bears North 00° 30' 14" East, and chord distance of 438.91 feet to a point, being the Northwest corner of this zoning area;

THENCE, traveling North 73° 37' 55" East, for a distance of 395.86 feet to a set point;

THENCE, traveling South 16° 23' 02" East for a distance of 426.33 feet to a set point, being the Southeast corner of this zoning area;

THENCE, traveling South 73° 27' 12" West for a distance of 227.98 feet to a set point;

THENCE, traveling South 59° 25' 40" West for a distance of 249.93 feet to a set point;

THENCE, traveling South 59° 18' 37" West for a distance of 33.97 feet to a set point, and being the **TRUE POINT OF BEGINNING**, containing 5.14 acres (224,082 Square Feet) of land.

This parcel description is accompanied by a plat of even date.

County: El Paso
Project: Westside Community Church Rezoning
Parcel No: 1 of 1
Highway: East Sunset Road
Limits: Existing Residential Zoning Site (R-4) at 201 E Sunset Rd for Commercial (C-4) Rezoning

October 4, 2022

Bearing Basis:

All bearings shown are based on NAD 83 (1996) Texas State Plane Coordinate System, Central Zone. All distances shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.00023100. All distances are in U.S. Survey feet.

THE STATE OF TEXAS

COUNTY OF EL PASO

KNOW ALL MEN BY THESE PRESENTS:

That I, Jose L. Rodarte, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision

WITNESS MY HAND AND SEAL at El Paso, El Paso County, Texas on the date shown below.



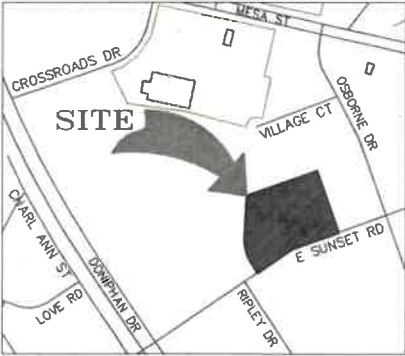
GRV Integrated Engineering Solutions, LLC
11385 James Watt Dr., Suite B-13
El Paso, TX 79936
TX Firm No. 10194278

Jose L. Rodarte 10/19/22
Jose L. Rodarte Date
Registered Professional Land Surveyor
No. 3513 -State of Texas

WESTSIDE COMMUNITY CHURCH CENTER

R4 TO C4 REZONING

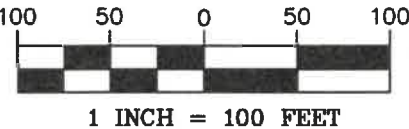
BEING ALL OF J M JETT SURVEY 155 ABSTRACT 48 TRACT 14-B AND 8 & A F MILLER SURVEY 210 ABSTRACT 3594 TRACT 11, AND 12-B, AND A PORTION OF BLOCK 3, WEINER SUNSET TRACTS UNIT 2, LOT 2 EL PASO COUNTY, TEXAS.
ACRES: 5.14 ± CONTAINING: 224,082 SQ. FT



LOCATION MAP

SCALE: 1"= 1200'

GRAPHIC SCALE



LEGEND

- ZONE BOUNDARY
- PROJECT BOUNDARY
- TRACT/LOT LINE
- CENTERLINE OF ROW
- EASEMENT LINE
- BLOCK NUMBER
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- EXISTING CITY MONUMENT

②

P.O.B

P.O.C

LINE TABLE		
LINE	BEARING	LENGTH
L1	N33°59'00"W	25.00'
L3	N59°18'37"E	24.68'

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C 2	459.11'	443.80'	252.48'	59°16'18"	N00°30'14"E	438.91'



This plat represents a survey made on the ground by me or under my supervision and complies with the current Texas Board of Professional Land Survey Professional and Technical Standards.

Jose Luis Rodarte
JOSE LUIS RODARTE, R.P.L.S.
Registered Professional Land
Surveyor Texas License No. 3513



11385 JAMES WATT DR., SUITE B-13 EL PASO, TX 79936
(915) 351-6701 - FAX: (915) 243-6010
TBPE F#15313 TBPLS F#10194278
PROJECT: #22-034

201 E. Sunset Road

City Plan Commission — March 23, 2023 **REVISED**

REZONING



CASE NUMBER: PZRZ22-00037
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: Westside Community Church
REPRESENTATIVE: Marvin H. Gomez, P.E.
LOCATION: 201 E. Sunset Rd. (District 1)
PROPERTY AREA: 5.14 acres
REQUEST: Rezone from R-4 (Residential) to C-4 (Commercial)
RELATED APPLICATIONS: None
PUBLIC INPUT: One (1) phone call in support received as of **March 23**, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to C-4 (Commercial) to allow for the existing uses of church, youth organization, restaurant (sit down), child care facility, and the proposed use of lodging house. The proposed zoning is consistent with the existing zoning of the areas immediately east, west, north, and south of the subject property.

SUMMARY OF STAFF'S RECOMMENDATION: The Staff recommends **APPROVAL WITH CONDITION** of the request based on its consistency with the surrounding commercial uses and the G-7, Industrial and/or Railyards land use designation per *Plan El Paso*, the City's adopted Comprehensive Plan. Further, the proposed rezoning will also serve as a zoning cleanup for split-zoned lots. The condition is the following:

1. Prior to issuance of any certificates of occupancy, a sidewalk along Sunset Road abutting the subject property must be provided **in accordance with El Paso Municipal Code.**

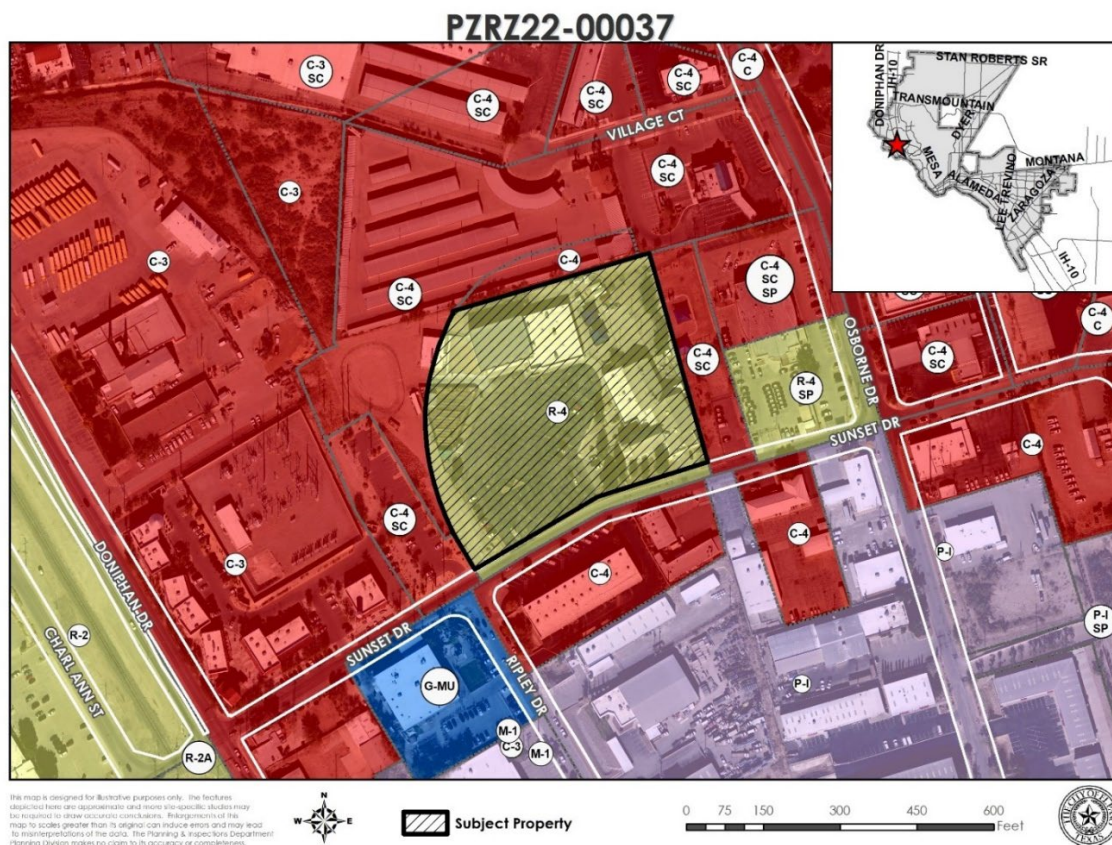


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone a 5.14-acre property from R-4 (Residential) to C-4 (Commercial) to allow for an existing 30,122 square foot building containing church, youth organization, and restaurant (sit down) uses, a 19,060 square foot childcare facility, and three (3) proposed two-unit 288 square foot lodging houses intended for overnight stay by guests of the church. The total amount of required parking for all uses is 192 parking spaces and the applicant is providing 195 parking spaces. The subject property is part of a larger property owned by the Westside Church and is being rezoned as a clean up to consolidate the entire property under one zoning district. Access to the subject property is provided from Sunset Road.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The existing uses of church, youth organization, restaurant (sit down), child care facility, and the proposed use lodging units in the proposed C-4 (Commercial) district is consistent and in character with the surrounding commercial districts in the local area. The adjacent properties to the east and west of the subject property are zoned C-4/sc (Commercial/special contract) and are part of the applicant's larger property and contain a retention pond, storage unit, playground, and a parking lot. The adjacent property to the north is zoned C-4 (Commercial) and C-4/sc (Commercial/special contract) and serves a self-storage warehouse facility. To the south, the properties are zoned C-4 (Commercial) and P-I (Planned Industrial) and include an office warehouse. The distance to the nearest school, St. Matthew Catholic School, is 0.54 miles and the distance to the nearest park, White Spur Park is 0.27 miles.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-7, Industrial: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The existing and proposed development is compatible with the future land use designation. The existing and proposed uses of the subject property exemplify the potential for mixed use development within the G-7, Industrial and/or Railyards future land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial) District: The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The areas adjacent to the east and west are zoned C-4/sc (Commercial/special contract), and the property to the north is zoned C-4/sc (Commercial/special contract) and C-4 (Commercial). The adjacent properties to the south are zoned C-4 (Commercial) and P-I (Planned Industrial). Approving the rezoning request provides a unique opportunity to clean up inconsistent zoning districts in the general area by changing the R-4 (Residential) zone district of the subject property to the more aligned C-4 (Commercial) zone district already present in the surrounding area.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only</p>	<p>Yes. Access to the subject property is provided by Sunset Road, classified as a collector and which leads to Doniphan Drive, a freeway as classified under the City's Major Thoroughfare Plan (MTP). The classification of this road is appropriate for the proposed development.</p>

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
property on the block with an alternative zoning district, density, use and/or land use.	The rezoning from R-4 (Residential) to C-4 (Commercial) will contribute to the consistency of the commercial districts along this block.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	None. This property does not fall within any historic districts, special designations, or study plan areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	There has been little transition within the last 10 years in the nearby area. North of the subject property there is a property that was rezoned in 2013 from R-5 (Residential) to C-3 (Commercial). To the south of the subject property is another property that was rezoned in 2013 from M-1 (Light Manufacturing) to G-MU (General Mixed Use). This area supports high density development.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	There have been changes in the character as most of the surrounding area is developed as commercial or light manufacturing uses, making the R-4 (Residential) zoning designation no longer appropriate.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Sunset Road, classified as a collector, which connects to Doniphan Drive, classified as a freeway per the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate to support the existing and proposed uses. The nearest bus stop is located within 0.3 miles of the subject property on the intersection of Mesa Street and Osbourne Drive. Sidewalks are not present along Sunset Road and will be required during development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments. The Planning Division recommends a condition to the rezoning that applicants provide a sidewalk along Sunset Road abutting the subject property as most properties on the block have existing sidewalks.

PUBLIC COMMENT: The subject property lies within the boundaries of the Upper Valley Neighborhood Association. Property owners within 300 feet of the subject property were notified of the rezone request on March 8, 2023 by the City of El Paso Planning and Inspections Department. As of March 23, 2023, the Planning Division received one (1) phone call in support to the request.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS:

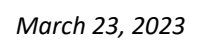
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

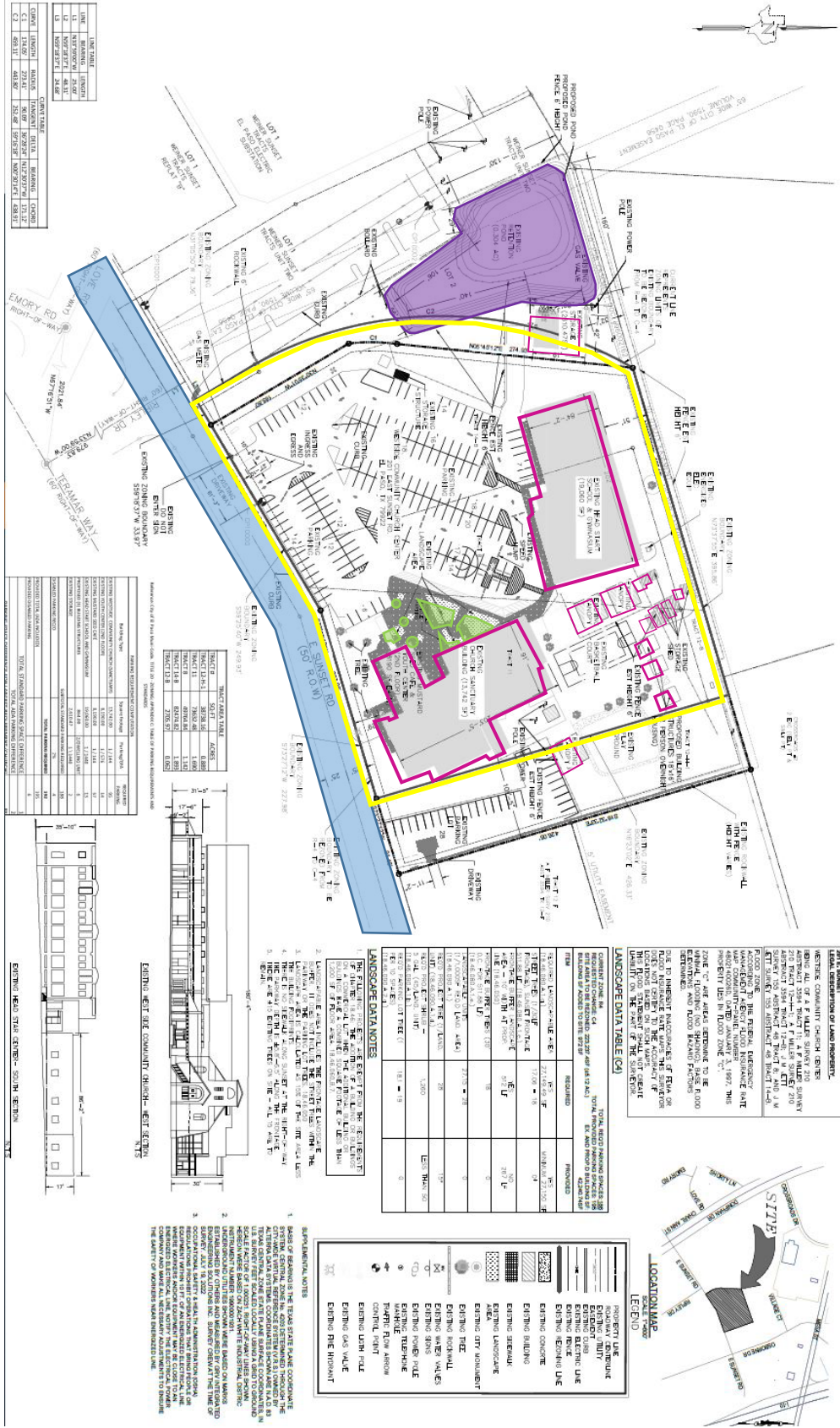
ATTACHMENTS:

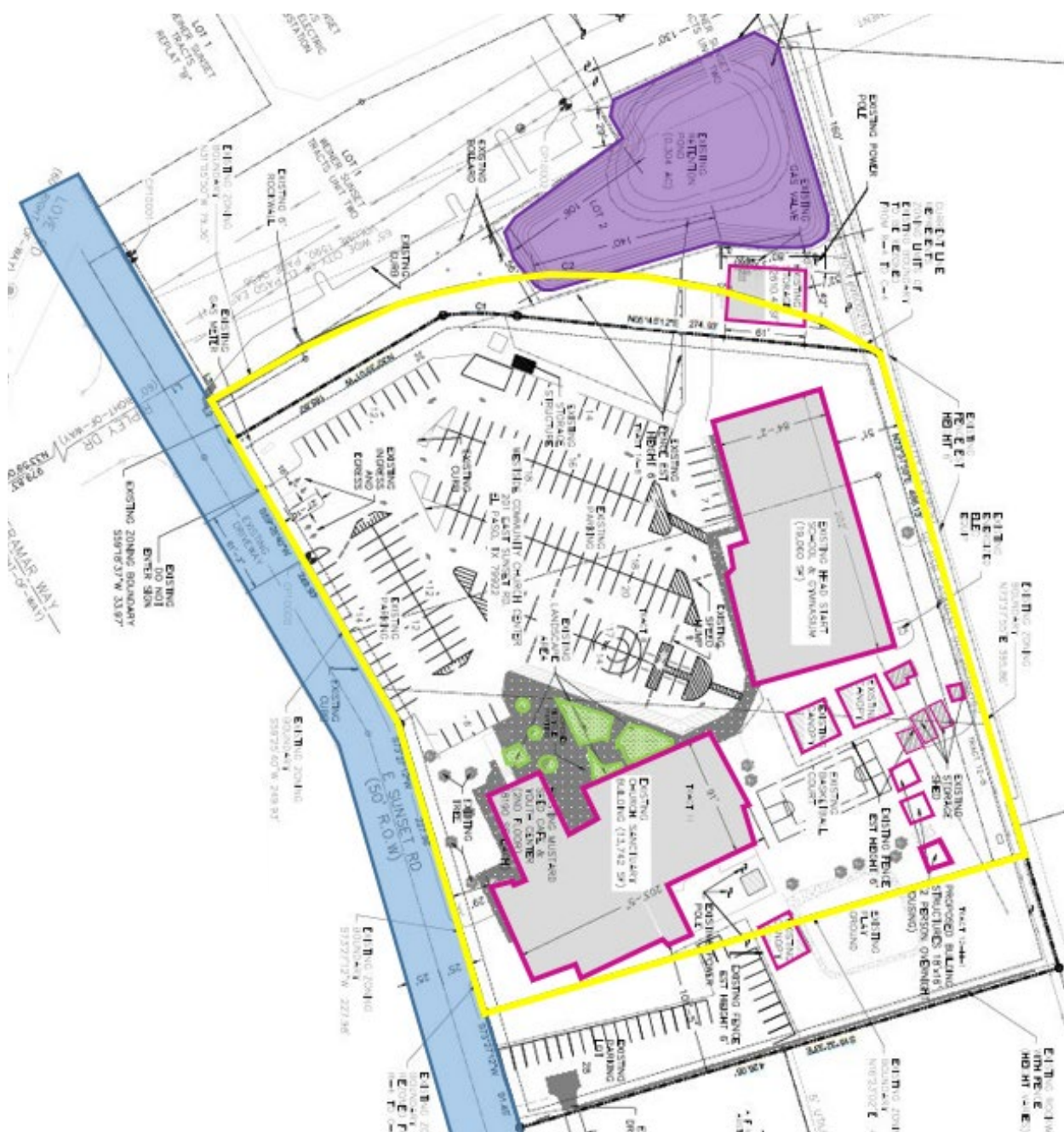
1. Future Land Use Map
2. Detailed Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

PZRZ22-00037



ATTACHMENT 2





ATTACHMENT 3

Planning and Inspections Department - Planning Division

1. Staff recommends approval with condition.
2. recommends a condition to the rezoning that applicants provide a sidewalk along Sunset Road abutting the subject property as most properties on the block have existing sidewalks.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to proposed rezoning.

At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

1. Show proposed drainage flow patterns on the site plan and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision.
2. Driveways must be between 25'– 35' feet wide as per DSC 6-16. There is one proposed at 61'-3", clarify.
3. Provide 5' concrete sidewalks abutting property line, inside property is not allowed.

Comments will be addressed at permitting stage.

Fire Department

No adverse comments, recommend approval.

Police Department

No comments received.

El Paso County 911 District

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

TIA is not required.

Sun Metro

No comments received.

El Paso Water Utilities

Show and label, in the detailed site plan, the existing 10-foot PSB easement, located immediately south of and along the northern property line, that accommodates the sewer line described below.

Comment has been addressed.

EPWU-PSB Comments

There is an existing 12-inch diameter water main that extends along E. Sunset Rd., located approximately 13-feet south of the north right-of-way line. This main is available for service.

EPWater records indicate an active ¾-inch domestic water meter, a 1-inch domestic water meter, a 2-inch domestic water meter, and a 6-inch fire line serving the subject property. The address for these services is 201 E. Sunset Rd.

Previous water pressure from fire hydrant #604, located along E. Sunset Rd. approximately 300-feet west of Osborne Dr., has yielded a static pressure of 64 (psi), a residual pressure of 62 (psi), and a discharge of 750 (gpm).

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along E. Sunset Rd., located approximately 20-feet north of the south right-of-way line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends within a 10-foot PSB easement immediately south of the northern property line. This main is available for service.

General

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign, or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWater requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable, to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District

No comments received.

PZR722-00037

